

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3021. An act to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States.

PROVIDING SPECIAL AUTHORITIES TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT TO OBTAIN TESTIMONY ON THE WHITE HOUSE TRAVEL OFFICE MATTER

Mrs. WALDHOLTZ. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 369 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 369

Resolved, That—

(a) The Chairman of the Committee on Government Reform and Oversight, for purposes of the committee's investigation and study of the White House Travel Office matter, may, upon consultation with the ranking minority member of the committee, authorize the taking of affidavits, and of depositions pursuant to notice or subpoena, by a member or staff of the committee designated by the chairman, or require the furnishing of information by interrogatory, under oath administered by a person otherwise authorized by law to administer oaths.

(b) Deposition and affidavit testimony, and information received by interrogatory, shall be deemed to have been taken in executive session of the committee in Washington, District of Columbia. All deposition and affidavit testimony and information received by interrogatory shall be considered nonpublic until received by the committee, except that all such testimony and information shall, unless otherwise directed by the committee, be available for use by members of the committee in open session of the committee.

The SPEAKER pro tempore. The gentleman from Utah [Mrs. WALDHOLTZ] is recognized for 1 hour.

Mrs. WALDHOLTZ. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, let me announce at the outset, in the interest of time, that the bipartisan leadership has agreed to limit debate on this resolution to two speakers on each side.

GENERAL LEAVE

Mrs. WALDHOLTZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 369.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mrs. WALDHOLTZ. Mr. Speaker, House Resolution 369 is a resolution

providing special authorities to the Committee on Government Reform and Oversight to take testimony in the matter of the White House Travel Office. Under the terms of the resolution the chairman of the Committee on Government Reform and Oversight, upon consulting with the ranking minority member, may authorize any member or designated staff of the committee to take sworn affidavits and depositions pursuant to notice or subpoena and could require furnishing of information by written interrogatories under oath. Any such testimony received would be considered to have been received in executive session by the committee in Washington, DC, would be considered as nonpublic until received by the committee and, thereafter, could be used by any member of the committee in open session related to the investigation of the White House Travel Office matter unless the committee directs otherwise.

The reason this authority requires the approval of the House is because it departs from the standing House rule, clause 2(h), rule XI, that requires a quorum of at least two members of a committee to take testimony.

□ 1815

This resolution differs from the House rule in that it would permit the chairman to authorize any member or staff of the committee to take testimony by sworn deposition or affidavit.

Mr. Speaker, on May 19, 1993, seven White House Travel Office staffers, after years, and in some cases decades, of faithful service, were summarily fired and told to vacate their offices in 2 hours. Later the same day, the White House announced the launching of an FBI criminal investigation of the former employees, which ended in Office Director Billy Dale's indictment on two embezzlement charges—charges proved utterly meritless when a Federal jury acquitted him after less than 2 hours of deliberation.

Mr. Speaker, before his complete exoneration, Billy Dale endured 2½ years of investigation, prosecution, and humiliation. One of Mr. Dale's daughters was forced to account for every penny spent on her wedding and honeymoon, and the other was asked by an interrogator whether she wasn't worried about letting her father handle her money. Mr. Dale's father died without ever seeing his son exonerated. Mr. Dale's legal bills amounted to over \$500,000. Billy Dale—an innocent man—felt the full weight of the FBI, the IRS, the Justice Department, and the White House arrayed against him. The public deserves to know the truth. Billy Dale deserves to have this story told.

I commend Chairman CLINGER for his efforts in this matter. He has brought home to the American people the enormity of the wrong committed against these seven people.

Chairman CLINGER has indicated that the special authority is needed because of the reluctance and even refusal of

certain potential witnesses to cooperate voluntarily in submitting to staff interviews preliminary to a hearing. This makes it extremely difficult, if not impossible, for a committee to adequately prepare background information and questions for a hearing.

Absent such important background information prior to a formal hearing, the committee is left to elicit the same information during the course of the hearing—something that can greatly prolong a hearing and reduce members to searching for the appropriate questions to ask of a witness.

Mr. Speaker, I want to emphasize that the special authority proposed in the resolution before us today is something that the Rules Committee and the House have granted only in extraordinary circumstances where there is a compelling need for such authority and it is investigation-specific. This is not a grant of blanket authority for all investigations of the Government Reform and Oversight Committee or any other committee.

But this body has granted such authority in the past. Examples of investigation authorization resolutions that have contained special deposition authority include: the President Nixon impeachment proceedings, Koreagate, Abscam, and Iran-Contra.

Moreover, the committee has made it clear that the granting of this special authority should be accompanied by assurances that the minority will not only be consulted prior to the noticing of any special testimony, but guaranteed participation and access in the process, just as it would in a committee hearing.

Chairman CLINGER has assured both us and the committee minority that this was his clear and unequivocal commitment and intent from the start. And it is my understanding that Chairman CLINGER, a man of his word, has worked with the minority, led by the distinguished gentleman from Illinois, Mrs. COLLINS, in crafting this resolution and the limits that have been placed on its scope. In fact, the committee met early this morning and passed the resolution by a bipartisan voice vote.

Finally, I would note that the special testimony authority language of House Resolution 369 is nearly identical to that contained in House Resolution 12 in the 100th Congress, creating the House Select Committee on Iran-Contra.

That resolution was drafted on a bipartisan basis and overwhelmingly adopted by the House on January 7, 1987, by a vote of 416 to 2.

I urge my colleagues to give this resolution the same measure of bipartisan support that the Iran-Contra resolution had in the 100th Congress so that the Government Reform and Oversight Committee can expedite its hearings process and complete its investigation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, as my colleague, the gentlewoman from Utah [Mrs. WALDHOLTZ], explained, House Resolution 369 is a resolution that will allow the Committee on Government Reform and Oversight staff to take depositions in the White House travel office matter. I have strong concerns about this resolution because it does not contain sufficient safeguards to protect the integrity of the investigation process and of the House.

House Resolution 369 conveys a heavy authority to the Government Reform Committee and its staff. This kind of authority has only sparingly been granted by the House in the past. Recent examples include investigations into the matters of Iran-Contra, Ab-scarn, and Koreagate.

The standing House rule, which this resolution supersedes for this investigation, does not specifically authorize staff depositions and it requires two members to be present when testimony is taken. This rule was enacted in 1955 in response to the abuses of the McCarthy era.

During Rules Committee consideration of this resolution, Democrats offered three small, but significant amendments intended to ensure that the authority granted by this resolution would meet the highest standards of integrity. All three amendments were defeated along straight or near-straight party line votes.

One amendment would establish a time limit of June 30, 1996, on the authority granted by the resolution. There are House precedents for placing such a restriction. A time limit expresses the will of the House that this investigation be conducted to expose the facts as quickly as possible.

The Government Reform Committee has been looking into the Travel Office matter for some time, and it is unlikely that new, unexpected leads will develop that will require an excessive amount of time. If it turns out that the time limit is too short for a full investigation, then the House by resolution, can extend the authority.

The second amendment offered by the Democrats would require agreement with the ranking minority member of the Government Reform Committee, or a vote of the full committee, in order to issue a subpoena. Again, there are House precedents for this provision.

Had the amendment passed, it would not have prevented the committee majority from exercising the authority established by this resolution. Rather, the intention was only to ensure accountability of the majority and to protect the right of the minority to participate publicly in the process.

The third amendment was intended to establish that this resolution does

not challenge longstanding House precedent that witnesses subpoenaed for staff depositions who refuse to cooperate may not automatically be cited for contempt of Congress unless they also refuse to appear before the full Government Reform Committee in a public hearing. This is a key right of witnesses who are subpoenaed by Congress.

I want to stress that I support the authority of this House to conduct a thorough investigation into the White House Travel Office—or any matter involving the expenditure of public funds. I have no objection to giving this House the tools it needs to bring out the truth.

Moreover, my concern for this resolution does not in any way diminish my confidence in the Government Reform Committee to conduct a complete and fair investigation that protects the rights of the minority and of witnesses.

However, especially in times like these when the Government is being accused of overstepping its bounds, and when the authority of Congress is being challenged more than ever, we cannot be too cautious. Let us not forget that the standing House rule is an attempt to erase the shame of earlier excesses in taking testimony.

Mr. Speaker, I reserve the balance of my time.

Mrs. WALDHOLTZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CLINGER], the chairman of the committee.

Mr. CLINGER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in strong support of House Resolution 369. It is essential in order to move forward on the White House Travel Office investigation and bring closure to this matter once and for all and complete this investigation in a thorough and timely manner.

House Resolution 369 is—quite deliberately—a carefully limited solution to a unique situation. It simply grants this specific authority to the Government Reform and Oversight Committee during the conduct of the White House Travel Office investigation. It grants the committee the authority to draft rules which will dictate how those depositions and affidavits are carried out. We have worked closely with the minority in developing a new committee rule to provide for the implementation of the affidavit and deposition authorities provided in House Resolution 369. We have ensured that the minority will be equal players as the depositions proceed and that this authority will not be abused in any way.

I appreciate that the House does not grant the authority requested in this resolution routinely and we have worked with the minority to assure that witnesses rights will be protected. I would like to thank the ranking minority member of the committee, Congresswoman COLLINS and her staff who made considerable efforts with my

staff in drafting the committee rule that we adopted this morning in our committee business meeting.

We are asking for this limited resolution so that the committee can conclude this matter in a timely fashion and resolve the many conflicting accounts surrounding these events. The need for this authority is compelling. A number of key witnesses have refused requests by our committee to be interviewed. A number of other witnesses have refused to interview voluntarily with the committee under oath. Given already identified contradictions in statements and accounts regarding this matter, it is vital that the committee interview under oath key witnesses and have assurances that these accounts are provided under circumstances imposing a premium on truth-telling.

It would be extremely impractical to expect this committee to hold enough hearings to place all of the necessary witnesses under oath publicly. This resolution will allow the committee to wrap up this investigation without bringing to a halt all of the other productive and important work that this committee performs. With this authority, it is my hope to wrap up this investigation with only a few more public hearings.

The White House Travel Office matter was investigated first by the White House itself, then by the GAO, the Justice Department's Office of Professional Responsibility, the Treasury Inspector General, the IRS Inspection Division and finally the Justice Department Public Integrity Criminal Division. Unfortunately none of these investigations was provided with all or indeed most of the information which my committee now has obtained. Therefore these prior investigations were incomplete. We now know that some individuals may have misrepresented events and omitted significant information as a result. Several weeks ago, a criminal referral on David Watkins' statements was made by GAO to the U.S. attorney for the District of Columbia.

This resolution will allow the committee to conduct and conclude this investigation without bringing to a halt all of the other productive and important work that this committee oversees. It would be extremely impractical for this committee to hold enough hearings to place all of the necessary witnesses under oath publicly. With this authority, it is my hope that we will be able to have a limited number of additional hearings.

This resolution will allow the committee to conduct depositions and submit interrogatories under oath regarding events leading up to the firings of the entire staff of the White House Travel Office in May 1993, the related events surrounding the firings, the individuals prompting these firings, the appropriateness of actions taken, possible conflicts or ethical violations that occurred, the subsequent investigations of these matters and the levels of candor and cooperation by those

involved in both responding to the investigations and conducting the investigations.

By allowing depositions and the submission of interrogatories by the committee, we can hope to clear up many of the conflicting statements and questionable accounts that have been provided to previous investigators. Clearly, voluntary interviews that are not under oath are not feasible in a situation such as this where there have already been conflicting accounts and many witnesses are reluctant to speak to the issues at all.

I have pursued this investigation for some time now because I was concerned with the wholly unjustified conduct in sacking the career travel office staff. Seven people had their lives turned upside down. We owe it to these seven men to find out what the real facts are behind all of the stonewalling. We owe it to the many Government civil and criminal investigators, many of whom tried to responsibly investigate this matter in prior investigations but were thwarted in conducting the investigations they were originally tasked with doing.

Allowing for this limited solution to provide for depositions and interrogatories under oath in the Travelgate matter will permit this long thwarted investigation to move to a more thorough and expeditious conclusion.

Mr. LATOURETTE. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Ohio.

(Mr. LATOURETTE asked and was given permission to revise and extend his remarks.)

Mr. LATOURETTE. Mr. Speaker, I rise in support of House Resolution 369.

Mr. Speaker, I want to thank Chairman SOLOMON and Chairman CLINGER for bringing this resolution to the floor today.

I also want to commend and applaud Chairman Clinger for his continued efforts to get to the bottom of the travel office investigation in a fair and bipartisan manner. Although the minority hasn't been crazy about the fact that the committee is investigating the firing of seven long-time civil servants, there have been no complaints that I can recall about the fairness Chairman CLINGER has demonstrated in conducting these hearings. Like many in this House, I will greatly miss the chairman's leadership and would suggest that there would be no need for a civility pledge in this body if we all took a cue from BILL CLINGER.

In urging Members to support H.R. 369 I would ask that they answer, for themselves, three questions:

First, is there precedence in the House for such a resolution?

Second, is there a need for this special request? and

Third, will it fairly expedite the committee's work to the benefit of all concerned?

The answer to all three questions is a definite—yes.

First, similar resolutions have been adopted by the House, at the request of the then majority in the 93d, 95th, 97th, 100th, and 103d Congresses. The language proposed by H.R. 369 is identical to the text adopted by a vote

of 416 to 2 on Jan. 7, 1987, relating to the Select Committee on Iran-Contra.

Second, there is unfortunately, as Chairman CLINGER noted, a need for this legislation.

Over a 2½ year period, requested documents have trickled into the committee drip by drip. Molasses flows faster in January than the document production in this matter.

Sadly, the record before the committee reveals that statements, reports, and documents are at variance with one another. The report authors and investigative agencies were hamstrung by either a lack of information being provided by witnesses or documents; or pertinent information was deliberately left out of reports because the authors possessed the attitude—"If it doesn't fit, you must omit."

And, a number of key witnesses have declined, refused or evaded staff interviews and document requests.

Third, this resolution will provide what those of us with courtroom experience term "judicial economy."

The over 50 potential witnesses can be deposed at the staff level and will permit the chairman, in consultation with the minority, to determine which witnesses should appear before the full committee. This procedure will allow the investigation to move to conclusion more quickly; will eliminate duplicative or valueless witnesses; and will save time.

As the depositions will be conducted under oath, the witnesses will be encouraged to provide a truthful account the first time rather than conflicting accounts in documents, staff interviews and testimony.

The expedited procedure of H.R. 369 will ensure that criticism which has been leveled against the other body's probe of Whitewater—too many hearings; too many witnesses; taking too long; and designed to embarrass the White House in an election year, will be avoided and the committee's legitimate oversight responsibilities may conclude.

For all the aforementioned reasons, I again commend Chairman CLINGER's work, and would urge the adoption of this resolution.

Mr. HALL of Ohio. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS], the ranking minority member of the Committee on Government Reform and Oversight.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, while I support our committee's efforts to obtain all of the relevant information regarding the Travel Office firings, I do not believe that this resolution, which grants authority to staff to conduct sworn depositions, is necessary.

Let me add, however, that earlier today the Committee on Government Reform and Oversight adopted procedures to implement the resolution which accord full rights to the minority and the witnesses, and I supported these procedures.

The authority granted under this resolution is unnecessary and unwarranted. House Resolution 369 is an unprecedented grant of authority to the staff of a standing committee during

the course of an ongoing investigation on the eve of a Presidential election. Under such troubling circumstances, there is a heavy burden on the proponents of the resolution to show a compelling need for such authority. We should not act just for the convenience of the staff, or because of an isolated case of a reluctant witness. There must be a convincing case that without this authority, the committee cannot complete its investigation. I do not believe that this threshold has been met.

According to Chairman CLINGER's letter to the Rules Committee, the stated reason for the Resolution is that—I'm quoting—"we have been faced with the reluctance and even refusal of certain potential witnesses to voluntarily submit to staff interviews preliminary to a hearing."

I am aware of no evidence that witnesses have refused to cooperate with the committee during the course of this investigation. Nor have I seen any letters from witnesses refusing to provide information to the committee. Further, I know of no witness who has refused to provide testimony to the committee under oath. The Rules Committee received no documentation nor testimony demonstrating a compelling need for this extraordinary authority.

To the contrary, the record suggests that witnesses agreed to cooperate with the committee, except when unwarranted conditions have been demanded by the majority staff. To the extent that witnesses have been reluctant to submit to interviews, it has only been after demands by the majority staff that minority staff not be present, or that interviews be taken under an oath administered by a staff that lacked such authority.

Mr. Speaker, both the Parliamentarians and the American Law Division of the Congressional Research Service has told majority staff that there was no authority for staff to take sworn depositions absent a resolution by the House. Yet, knowing full well that they lacked both the authority to require a sworn deposition and the ability to administer an oath to witnesses, the majority staff repeatedly threatened witnesses in an effort to force them to comply.

As evidence of this behavior by the majority staff, let me read from a letter to Chairman CLINGER dated December 4 of last year, from David H. Williams, the attorney representing Patsy Thomasson: It says in part:

I called Ms. Brasher [a member of the Republican staff] back and told her that Patsy would still appear for a voluntary interview (provided that Democratic staff be allowed to attend, and) that I needed a commitment from her to confirm her agreement to this condition. Instead, what I got, was a series of threats that she would subpoena Patsy to a sworn deposition and that Patsy could be in a lot of trouble in refusing to do this interview privately as she had demanded.

Mr. Speaker, I include this letter for the RECORD at this point:

DAVID H. WILLIAMS,
ATTORNEY AT LAW,

Little Rock, AR, December 4, 1995.

Representative WILLIAM F. CLINGER, Jr.,
*Committee on Government Reform and Oversight,
Rayburn House Office Building,
Washington, DC.*

Re Patsy Thomasson Interview.

DEAR CHAIRMAN CLINGER: I have been trying to accommodate a request from Barbara Cornstock to interview my client, Patsy Thomasson. All I have ever asked her is that Ms. Thomasson be able to do this interview one time with both majority/minority parties being present and being represented. All I want for my client is a fair interview and I think that having both Republican and Democratic staff counsel present is the best way to insure that this takes place.

After explaining this to Barbara Cornstock, she offered to allow Don Goldberg to interview Patsy, privately, first, and then for her to interview Patsy afterwards. I called back this morning to speak to Barbara Cornstock and spoke to Barbara Brasher instead. She explained to me that she was concerned over leaks and that keeping Don Goldberg out of the interview room would be a way to protect against leaks. She didn't accuse Mr. Goldberg, but implied that leaks had to be coming from the other side. I told Ms. Brasher that I really didn't see how this proposal would help, nor did I see how she could guarantee confidentiality because leaks in matters such as this are a known historical fact. There are just too many people involved in the political process to avoid leaks or have any control over them. Secondly, I told Ms. Brasher that my concern was with the fairness of the interview. She told me that if Patsy didn't agree to the interview being conducted privately with Republican Counsel, then she would have her subpoenaed for a sworn deposition. I told her I would consult with Patsy about this and call her back.

I did consult with my client and told her that nothing had really changed to persuade me that it was in her best interest to conduct two private interviews where the Democratic Counsel was excluded from one and the Republican Counsel was excluded from the other. I told her that this arrangement seemed to me to promote partisanship, antagonism, and unfairness. I called Ms. Brasher back and told her that Patsy would still appear for a voluntary interview but since my plane left at 1:20 p.m. cst, today that I needed a commitment from her to confirm her agreement to this condition. Instead, what I got, was a series of threats that she would subpoena Patsy to a sworn deposition, which Ms. Brasher said would not be in Patsy's best interest, and that she hoped that I was making an informed decision because Patsy could be in a lot of trouble in refusing to do this interview privately as she had demanded, and could only exacerbate Patsy's situation. I told Ms. Brasher that if she was trying to be persuasive, that she was not doing a very good job, and that her attitude was convincing me that I had very little reason to expose Patsy to any kind of an interview or deposition. I have been practicing law for twenty years and I still cannot understand why lawyers threaten other lawyers. It never works and it only makes the lawyer on the other side dig in his or her heels.

In any event, this is not an issue that I can, or need to solve. This is a matter for the Committee to solve between the majority and minority members. The rules for the conduct of these interviews should be the result of an agreement between the ranking members. I am not going to get myself caught in a trap, nor am I going to allow my

client to get whipsawed into the middle of a political battle over who gets to take the first bite out of her.

Therefore, I respectfully declined Ms. Brasher's demands and canceled my flight when she refused to agree to this sole condition for Patsy to be interviewed. I hope that you and Congresswoman Collins are able to resolve this problem and someone will let me know that the interview is going to be conducted with both sides present. Patsy remains willing and able to cooperate and has no intention of being difficult or obstructive.

Thank you very much for your kind consideration and cooperation.

Very truly yours,

DAVID H. WILLIAMS.

I also include a February 20, 1996, letter from Stephen L. Braga, the attorney representing Catherine Cornelius to Chairman CLINGER's staff for the RECORD. In it, the attorney for Ms. Cornelius agreed to make her available for transcribed interview provided that both majority and minority staff were present. The majority staff turned him down, however, because he would not agree to swearing in his client, even though, as I have stated, the majority staff knew it had no legal authority to do so.

The letter is as follows:

MILLER, CASSIDY,

LARROCA & LEWIN, L.L.P.

Washington, DC, February 20, 1996.

Re Catherine Cornelius.

BARBARA COMSTOCK,

*Committee on Government Reform and Oversight,
Rayburn House Office Building,
Washington, DC.*

DEAR BARBARA: I write with respect to the "deposition" of my above-referenced client that we have scheduled for tomorrow in your office. Although we have not discussed any "ground rules" for this "deposition," I think that there are a number of process-related points that we should agree upon up front before any questioning of the witness is undertaken. I believe that those points are as follows:

1. While Ms. Cornelius' testimony will be recorded verbatim by a court reporter in deposition-like fashion, there will be no oath administered to Ms. Cornelius at the outset of the questioning.¹ In this regard, the "deposition" will simply be like a voluntary interview that is being stenographically recorded.

2. After it is concluded, transcripts of Ms. Cornelius' testimony will be made available for review by the witness and/or her counsel—in addition to the Majority and Minority staff—with an opportunity to submit any written corrections they might have to the text of the testimony as so transcribed.

3. The transcripts of Ms. Cornelius' testimony will be kept confidential by the Committee unless and until they are first used in any public hearing by the Committee, and the confidentiality of those transcripts will then be waived only to the extent that they are actually used in such a hearing.

4. No non-Committee staff members, other than the court reporter, will be present during the questioning of Ms. Cornelius.

5. The questioning of Ms. Cornelius will conclude by 5:30 P.M. on February 21st.

If you have any questions regarding the foregoing, please do not hesitate to call. Otherwise, I will expect to put our agreement to

¹ I know of no authority authorizing or requiring the administration of such an oath in the circumstances of your staff investigation. If you are aware of any authority to the contrary, please let me know as soon as possible.

the foregoing points on the record at the outset of the interview session tomorrow morning.

Best regards,

STEPHEN L. BRAGA.

Mr. Speaker, if the majority staff conducts itself in a professional and non-partisan manner and in keeping with the decorum of the House. I believe they will find no resistance to timely informal interviews. In those cases where there is reluctance, are brought to my attention I will work with the chairman in urging complete cooperation. I sincerely hope and expect that the authority granted by this resolution will be reserved for those few cases where it is absolutely necessary, and not routinely exercised as a substitute for the regular practices of the House.

Let me turn to another issue concerning the rights of witnesses. Following discussions with the Parliamentarian, I am aware of no precedent of a witness who has objected to a question or failed to appear for a staff deposition being cited for contempt without an opportunity to explain his actions before the entire committee. This resolution does not supplant existing House rules regarding contempt of Congress and the rights accorded to witnesses. Nothing in this resolution would require a contempt citation simply because a witness under subpoena refuses to appear before or answer questions in a staff deposition. Prior to any action, the committee should give the witness an opportunity to respond fully at a duly called hearing of the committee, with a proper quorum of members present.

In closing, let me thank Chairman CLINGER for his cooperation earlier today in adopting committee implementing rules which accord full rights to the minority and the witnesses. I have also received a letter from Chairman CLINGER further clarifying how he intends to interpret these rules. I include the committee rules and the chairman's letter for the RECORD, as follows:

To: Members of the Government Reform and Oversight Committee

From: William F. Clinger, Jr., Chairman

Date: March 6, 1996

Re House Resolution 369 to provide for deposition authority in the White House Travel Office investigation and committee rules to implement such authority.

On Thursday, March 7, 1996, the Committee will vote on adopting a new Committee Rule to allow for special affidavits and depositions. The Rule will be voted on in anticipation of passage of House Resolution 369, which is expected to have floor consideration on Thursday, March 7 or Friday, March 8, 1996. (See attached copy of Draft Rule.)

House Resolution 369 will provide authority to the Committee on Government Reform and Oversight to conduct depositions and submit interrogatories under oath in the process of conducting the ongoing White House Travel Office investigation. The Resolution only applies to the White House Travel Office investigation. Rules to conduct the depositions and interrogatories have been developed in consultation with the minority ranking member of the Committee.

Deposition authority is sought to obtain testimony in a timely and efficient manner and curtail the need for extensive hearings. Such depositions will help resolve the numerous discrepancies that have arisen in the course of civil and criminal investigations into the White House Travel Office matter over the past two and a half years.

RULE 19.—SPECIAL AFFIDAVITS AND DEPOSITIONS

If the House provides the committee with authority to take affidavits and depositions, the following rules apply:

(a) The Chairman, upon consultation with the ranking minority member or the committee, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena. Such authorization may occur on a case-by-case basis, or by instructions to take a series of affidavits or depositions. Notices for the taking of depositions shall specify a time and place for examination. Affidavits and depositions shall be taken under oath administered by a member or a person otherwise authorized by law to administer oaths. Consultation with the ranking minority member will include three (3) business days written notice before any deposition is taken, unless otherwise agreed to by the ranking minority member or committee.

(b) The committee shall not initiate procedures leading to contempt proceedings in the event a witness fails to appear at a deposition unless the deposition notice was accompanied by a committee subpoena authorized and issued by the chairman. Notwithstanding committee Rule 18(d), the chairman shall not authorize and issue a subpoena for a deposition without the concurrence of the ranking minority member or the committee.

(c) Witnesses may be accompanied at a deposition by counsel to advise them of their constitutional rights. Absent special permission or instructions from the chairman, no one may be present in depositions except members, staff designated by the chairman or ranking minority member, an official reporter, the witness and any counsel; observers or counsel for other persons or for the agencies under investigation may not attend.

(d) A deposition will be conducted by members or jointly by

(1) No more than two staff members of the committee, of whom—

(1.a) One will be designated by the chairman of the committee, and

(2.b) One will be designated by the ranking minority party member of the committee, unless such member elects not to designate a staff member.

(2) Any member designated by the chairman.

Other staff designated by the chairman or ranking minority members may attend, but are not permitted to pose questions to the witness.

(e) Questions in the deposition will be propounded in rounds. A round will include as much time as necessary to ask all pending questions, but not more than one hour. In each round, the member or staff member designated by the chairman will ask questions first, and the member or staff member designated by the ranking minority member will ask questions second.

(f) Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to answer, the members or staff may proceed with the deposition, or may obtain, at that time or at a subsequent time, a ruling on the objection by telephone or otherwise from the chairman or his designee. The committee shall not initiate procedures leading to contempt for refusals to answer questions at a deposition unless the witness refuses to tes-

tify after his objection has been overruled and after he has been ordered and directed to answer by the chairman or his designee upon a good faith attempt to consult with the ranking minority member or her designee.

(g) The committee staff shall insure that the testimony is either transcribed or electronically recorded, or both. If a witness' testimony is transcribed, he shall be furnished with an opportunity to review a copy. No later than five days thereafter, the staff shall enter the changes, if any, requested by the witness, with a statement of the witness' reasons for the changes, and the witness shall be instructed to sign the transcript. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, D.C. Affidavits and depositions shall be deemed to have been taken in Washington, D.C. once filed there with the clerk of the committee for the committee's use. The ranking minority member will be provided a copy of the transcripts of the deposition once the procedures provided above have been completed.

(h) Unless otherwise directed by the committee, all depositions and affidavits received in the investigation shall be considered nonpublic until received by the committee. Once received by the committee, use of such materials shall be governed by the committee rules. All such material shall unless otherwise directed by the committee, be available for use by the members of the committee in open session.

(i) A witness shall not be required to testify if they have not been provided a copy of the House Resolution and the amended Committee Rules.

(j) Committee Rule 19 expires on July 8, 1996

HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,

Washington, DC, March 6, 1996.

Hon. CARDISS COLLINS,

Ranking Minority Member, Committee on Government Reform and Oversight, U.S. House of Representatives, Washington, DC.

DEAR MS. COLLINS: Thank you and your staff for working with my office to develop a new committee rule to provide for the implementation of the affidavit and deposition authorities provided in H. Res. 369. Your office has asked that I provide you with the supplemental information regarding how I interpret some provisions of the proposed committee rule.

19(a). Regarding the right of the minority to recommend witnesses to be deposed, it is my intention that for any witness you would recommend, I will either agree to issue a subpoena or place the question before the full committee for a vote.

19(b). The proposed rule requires that if a subpoena is required in the case of an affidavit or deposition in the Travel Office matter, I shall not authorize such subpoena without your concurrence or the vote of the committee. I believe that this new rule memorializes the longstanding practice of this committee to seek a consensus on the issuance of a subpoena.

19(c). The question has arisen as to whether a witness may be represented by counsel employed by the same government agency as the witness. I further understand that the White House Counsel's office has indicated that it will not seek to personally represent any White House employee during the course of this investigation. It is my intention to

discuss with you on a case by case basis the ability of Justice Department attorneys to represent Justice Department witnesses. I respect the ability of a witness to have an attorney of their choice, but I also must avoid any conflict of interest between an agency under investigation and a witness' individual rights.

19(d). The proposed committee rule is draft under the assumption that most, if not all, depositions will be conducted by staff. Any members who wish to participate in a deposition should notify me before the scheduled day of the deposition. I will, of course, designate the minority member of your choice. However, in no way are the proposed committee rules intended to limit the ability of a member to participate and ask questions.

19(f). The term "designee" is intended to imply a member, and not staff. Furthermore, let me confirm to you my strongest intention to consult with you before ruling on an objection raised by a witness. In the instance that you are uncontrollably indisposed, I will certainly listen to any concerns expressed by your senior staff.

19(h). The depositions will be assumed to be received in executive session. Members and their staff will not be permitted to release a copy or excerpt of the deposition until such time that is entered into the official record of the committee, under penalty of House sanction. Witnesses will be given the opportunity to edit their transcript but will not be given a copy.

Finally, a question has arisen regarding what steps occur if a witness fails to appear for a deposition under subpoena or fails to respond to a question notwithstanding the chairman's ruling. It will be my intent, under such circumstances, to subpoena the witness before the full Committee to explain why he/she should not be held in contempt of Congress. The scope of such a hearing would not extend to the factual questions of the Travel Office matter, but would be limited to the question of contempt of the prior contempt.

I hope that this answers any outstanding questions you may have. Please feel free to discuss this matter with me further. And, again, thank you for your kind cooperation.

Sincerely,

WILLIAM F. CLINGER, JR.,

Chairman.

□ 1830

PARLIAMENTARY INQUIRY

Mr. ABERCROMBIE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman will state it.

Mr. ABERCROMBIE. Mr. Speaker, is my understanding correct that an hour was allotted to the discussion on the pros and cons of the resolution, one-half hour to each side, and further is my understanding correct that there was a limitation on the speakers announced?

The SPEAKER pro tempore. Under the 1-hour rule, the time is controlled by the manager of the resolution, in this case the gentlewoman from Utah [Mrs. WALDHOLTZ], who has yielded one-half of her time to the gentleman from Ohio [Mr. HALL], for purposes of debate only. There is no rule requiring debate to be allocated under the 1-hour rule to an opponent.

Mr. ABERCROMBIE. Mr. Speaker, I want to make sure I understood. If the inquiry is for debate only, parliamentary inquiry further through the Chair,

may I inquire through the Chair as to whether any speaker in opposition will be allowed?

The SPEAKER pro tempore. It occurs to the Chair that the gentleman should make his inquiry to the manager on the minority side, the gentleman from Ohio [Mr. HALL].

Mr. ABERCROMBIE. Mr. Speaker, am I entitled to do that? Can I make an inquiry?

The SPEAKER pro tempore. The gentleman from Ohio controls the time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say that there was an agreement between the leadership on the debate of this particular resolution and I had agreed that there would only be two speakers on both sides. That was agreed by both sides, and I am trying to keep my word and stick by that.

Mrs. WALDHOLTZ. Mr. Speaker, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from Utah.

Mrs. WALDHOLTZ. Mr. Speaker, if the gentleman from Ohio would like to yield on his time a few minutes to the gentleman from Hawaii and allow him to raise his concerns about this matter, we would not see that in any way contravening the agreement that we have reached.

Mr. HALL of Ohio. Mr. Speaker I thank the gentleman for that.

Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I thank very much the gentleman from Utah [Mrs. WALDHOLTZ] for the opportunity to speak in opposition. I want to indicate to the gentleman and to the Speaker and Members that this was not planned in any other way. I was not aware that there were not to be speakers allowed. I thought there was an hour and that this could be undertaken, so I am grateful for the opportunity.

Mr. Speaker, I rise to speak in opposition to House Resolution 369. Allusions were made to Iran-Contra. I was here, however briefly, when that issue was first being raised in the mid 1980's, I do not see that this is comparable in any way, shape, or form.

As far as I know, the fifth amendment is still alive and well in the Constitution of the United States, and if there are people who refuse to testify for whatever reason, they are entitled to do so. If I understand correctly the gentleman's comments that preceded me, that the existing House rules with respect to contempt and subpoenas cover the situation adequately, there is no need.

If I understood correctly the gentleman's comments, as well, there is no need for this extraordinary authority. My question then becomes, to what end is this resolution being put forward?

If the rules of the House already adequately cover it, if the rules of the

committee already adequately cover the situation with respect to subpoenas, contempt, et cetera, if all the rules and regulations and the admonitions incumbent upon us in the Constitution are still in place, then why are we going ahead with it? If sworn depositions are not in order except under the rules and regulations as provided by the House, well, then, I think we should abide by that.

I do not understand why we are having this resolution brought forward in this manner without reasons being given as to why the resolution is necessary in the form that it takes. The title here says "to provide the Committee on Government Reform and Oversight special authorities to obtain testimony for purposes of investigation in study of the White House travel office matter," but there has been no presentation that I am aware of that indicates why special authorities are required to obtain testimonies for the purposes of investigation and study.

Therefore, Mr. Speaker, I would urge a "no" vote on this, at least pending some kind of sufficient explanation as to why these special authorities should be granted.

Mrs. WALDHOLTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an extraordinary grant of authority but these are extraordinary circumstances involving questions as to the possible abuse of power at the highest levels of our Government against an American citizen who took 2½ years to clear his name.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. ABERCROMBIE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ABERCROMBIE. Can the Speaker indicate what he heard on the floor in terms of the "ayes" or the "nays"?

The SPEAKER pro tempore. The ayes have it. That was indicated as the result of the voice vote.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I yield to the distinguished majority leader, the gentleman from Texas [Mr. ARMEY], for the purpose of ascertaining the schedule for the rest of the week and next week.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am happy to announce that we have concluded our legislative business for the week.

On Monday, March 11, the House will not be in session. On Tuesday, March 12, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should be advised that there will not be any recorded votes before 5 p.m.

As our first order of business on Tuesday, the House will consider a bill on the corrections day calendar: H.R. 2685, to repeal the Medicaid and Medicare coverage data bank.

We will then take up three bills on the suspension calendar: H.R. 2972, the Securities and Exchange Commission reauthorization; H.R. 2276, the Federal Aviation Administration Revitalization Act of 1995; and House Joint Resolution 78, Bi-State Development Agency by the States of Missouri and Illinois.

After consideration of the suspensions, the House will turn to the conference report for H.R. 1561, the American Overseas Interests Act, which is subject to a rule. We also hope to begin consideration of H.R. 2703, the Effective Death Penalty and Public Safety Act, which is also subject to a rule. It is our hope to get through the rule and general debate before adjourning for the evening around 7 or 8 p.m.

On Wednesday, March 13, the House will meet at 11 a.m. to finish consideration of the crime bill.

On Thursday, March 14, the House will meet at 10 a.m. It is our hope that conference reports for the debt limit and Second Balanced Budget Downpayment Act will be ready for floor consideration by then.

□ 1845

We should finish business and have Members on their way home to their families by 6 p.m. on Thursday March 14, and I thank the gentleman for yielding me this time.

Mr. BONIOR. Mr. Speaker, I would ask my friend from Texas this question, or make this comment to him just so that he understands the concerns that we have in our Caucus over the retreat that we were scheduled to have on January 25, which had to be cancelled after votes on the continuing resolution for Government spending were scheduled. We then asked for a retreat date of March 8, which is today, and we were refused on that date, saying that the majority, noting that the calendar had been set in advance and could not be altered. I would just note that March 8 is not today, it is tomorrow, and I would just tell my colleague from Texas we could have had our retreat tomorrow, and in light of the fact that the schedule indeed was altered, and we hope we could work together on these things in the future. We have had to cancel it twice, and we hope that this would not happen a third time.

With that, I thank my colleague for giving us an insight into the schedule for tomorrow, or the lack of schedule